

O I P ATTORNEY DOCKET NO.: 5315

PATENT APPLICATION

JAN 3 0 2004

IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): John S. HENDRICKS, et al.

Confirmation No.: 9228

Application No.: 09/162,768

Examiner: A. Koenig

Filing Date: September 30, 1998

Group Art Unit: 2611

Title: AUDIO PROGRAM RECEPTION TERMINAL FOR TELEVISION DELIVERY SYSTEM

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Technology Center 2600

NOTICE OF APPEAL FROM THE EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated, July 31, 2003, rejecting the following claims 1, 3-35, 37-43, 45, 47-60, 62, 64-80, 82-116, 118 and 120-145.

The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$330.00.

**(complete (a) or (b) as applicable)**

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

- ☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

02/02/2004 EFLDRES 00000016 502849 09162768

01 FC:1401 330.00 DA

- ☐ one month \$110.00  
☐ two months \$420.00  
☐ three months \$950.00  
☐ four months \$1,480.00

- ☒ The extension fee has already been filed in this application

- ☐ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account **50-2849** the sum of \$330.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 50-2849 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 50-2849 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

**ANDREWS KURTH LLP**

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Respectfully submitted,

*John K. Harrop*  
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Attorney/Agent for Applicant(s)  
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Date: **January 20, 2004**

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